

REMARKS

Claims 1-11, 13, 15-17, 19-31, 35, 37, 111, 113-117, 119 and 121-138 remain in the case. Applicant acknowledges with appreciation that Claims 111, 113-117, 119 and 121-138 are allowed. Claims 1 and 31 have been amended herein, and Claims 14, 18, 95, 98-109, and 139 are cancelled herein. Claims 12, 32-34, 36, 38-94, 96, 97, 110, 112, 118 and 120 were cancelled in previous amendments. The amendments entered herein were made in view of the Office Action and to better define what the Applicants consider their invention, as fully supported by an enabling disclosure. No new matter has been added by the foregoing amendments.

In particular, independent Claim 1 has been amended to claim “a multifunctional light support comprising: a base plate comprising... a pair of elongate strap member receiving slots,” support for which can be found in the specification, for example at paragraph [062] with reference to Figure 3 and in cancelled dependent Claims 14 and 18. Independent Claim 31 has been amended to depend from Claim 1.

Reconsideration in view of the following remarks and entry of the foregoing amendments are respectfully requested.

Claim Objections

Claim 102 was objected to on the grounds that it depends from a cancelled claim. Claim 102 has been cancelled herein. Claim 106 was objected to on the grounds that it was unclear. Claim 106 has been cancelled herein. Claim 139 was objected on the grounds that it was identical to Claim 20. Claim 139 has been cancelled herein.

Rejection Under 35 U.S.C. § 102

The Examiner has rejected Claims 1-3, 13, 24-26, 31 and 107 as being anticipated by Moore (U.S. Patent No. 2,797,310) and therefore not in conformance with 35 U.S.C. §102(b). Applicant respectfully submits that Claim 1 as amended overcomes this objection and is allowable in view of the following argument, and that remaining dependent claims 2-3, 13, 24-26 and 31 are therefore also allowable. MPEP §2131 provides:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). … “The identical invention must be shown in as complete detail as is contained in the … claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim...”

Moore discloses an illuminating device comprising a lamp (24) supported in a socket (16) which in turn is retained in a plate (5). The plate (5) is attached via a leg (10) and wing nut (14) to a ground stake (12) which is sharpened at a lower end (13) to facilitate insertion into the ground. In a particular embodiment the ground stake can be bent to form a hook or a bracket (column 3, lines 56 through 60). In this regard, apertures (38) are provided to allow for the passage of screws to fasten the bracket shaped stake to a wall or the like. Nowhere does Moore disclose a wearable light support comprising “a base plate comprising… a pair of elongate strap member receiving slots” as claimed in Claim 1 of the present application and as a result, it cannot be said that each and every element as set forth in the claim is found as required by §102(b). In light of the above, Applicant submits that Claim 1 is not anticipated by Moore. Claims 2-3, 13, 24-26 and 31, as amended herein, depend from Claim 1 and include all limitations therein, and Applicant submits that they, too, are not anticipated by Moore. Claim 107 has been cancelled herein.

The Examiner has rejected Claims 95, 98-105 and 108 as being anticipated by Kung (U.S. Patent No. 6,669,353) under 35 U.S.C. §102. While Applicant respectfully disagrees with the Examiner's statements regarding the rejections under § 102(a), Claims 95, 98-105 and 108 have been cancelled herein in order to allow this application to proceed to issuance.

Rejection Under 35 U.S.C. § 103

The Examiner rejected Claims 4-10, 14-23, 26-30, 35, 37, 106, 109 and 139 under 35 U.S.C. § 103(a). For the reasons discussed below, Applicant respectfully submits that Claims 4-10, 15-17, 19-23, 26-30, 35, and 37 are in conformance with § 103(a). Claims 14, 18, 106, 109 and 139 have been cancelled herein.

The Examiner has rejected Claims 4-6 and 109 as being obvious over Moore in view of Davis, Jr. et al. (US Patent No. 5,386,356) under 35 U.S.C. § 103(a). Applicant submits that independent Claim 1 as amended overcomes this objection. Neither Moore nor Davis Jr. et al., taken alone or together, discloses "a base plate comprising... a pair of elongate strap member receiving slots" as claimed at Claim 1 of the present application. In light of the above, Applicant submits that Claims 4-6, which are dependent on Claim 1 and include all limitations therein, are likewise not obvious in view of the cited art and therefore are allowable claims. Claim 109 has been cancelled herein.

The Examiner has rejected Claim 106 as being unpatentable in view of Kung under 35 U.S.C. § 103(a). While Applicant respectfully disagrees with the Examiner's statements regarding the rejection of Claim 106 under § 103(a), Claim 106 has been cancelled herein.

The Examiner has rejected Claims 4-7, 17, 19-20, 109 and 139 as being unpatentable over Moore in view of Herrick (US Patent No. 4,998,187) under 35 U.S.C. §

103(a). Applicant submits that the amendments to independent Claim 1 overcome this objection. Herrick discloses a headlamp holder (10) comprising a base member (12) and an upper member (22). A flashlight (28) can be secured to the upper member (22) while the base member (12) comprises apertures (58) which, using conventional ratchet fasteners, can be used to attach the base member (58) to the hood (52). Neither Moore nor Herrick, taken alone or together, discloses “a base plate comprising... a pair of elongate strap member receiving slots” as claimed in Claim 1 of the present application, and therefore Claim 1 is not obvious over Moore in view of Herrick. In light of the above, Applicant submits that Claims 4-7, 17, and 19-20, all depending on Claim 1 and including its limitations therein, are not obvious in view of the cited art and therefore are allowable claims. Claims 109 and 139 are cancelled herein.

The Examiner has rejected Claims 4, 8-10, 14, and 18 as being unpatentable over Moore in view of Ciesiun (US Patent No. 6,618,906) and therefore not in conformance with 35 U.S.C. § 103(a). Claims 14 and 18 are cancelled herein. Applicant submits that independent Claim 1 as amended overcomes this objection with respect to Claims 4 and 8-10. Ciesiun discloses a device for securing a lighting apparatus to a paintball mask comprising a base member (12) and a pair of apertures (20) for receiving a support belt (72). The device disclosed in Ciesiun is portable and intended to be used by individuals in paintball activities. On the other hand, Moore states that the disclosed illuminating device is intended for use *in a string of lights powered using a conventional outlet*.

For example, at column 1, lines 10 through 15 the specification states that the device is “...designated primarily for use in the illumination of gardens, patios, walkways and other areas and it is contemplated that the device shall be arranged in multiple and with illuminating means embodying shades of various colors to thereby create various ornamental effects.” Additionally, at column 2, lines 31 through 35 state that: “This form of socket has

been found most desirable since connections may be quickly and easily established when a plurality of the illuminating devices are arranged in parallel and energized from a single source of electrical energy.” Finally, at column 2, line 71 through column 3, line 7: “... It being determined the desired spacing of the several devices to be used in a garden or patio display layout, the pair of conductors 19 are connected with the last device in the group and then progressively trained from one device to the other, in each instance being electrically connected to the respective sockets 16. After the several connections have been made, the free ends of the conductors are provided with a conventional plug-in device whereby to engage a convenient outlet socket.”

In support of his rejection, the Examiner at page 10, line 16 through page 11, line 3, states: “Ciesun discloses in Figure 1 a strap receiving aperture 20 for mounting a lamp to a paintball mask which is disposed upon the base plate 12. It would have been obvious to modify the teachings of Whittington [sic] by adding a belt receiving aperture in order to have a light support that could easily be attached or detached without having to remove fasteners in order to detach the light support. Therefore it would be obvious to one of ordinary skill to modify the light support of Moore with the belt strap apertures of Ciesun because it would provide for a support that could be easily attached or detached from a helmet or a hood.”

Applicant respectfully submits that the proposed modification would render the prior art being modified unsatisfactorily for its intended purpose, and as such there is no suggestion or motivation to make the proposed modification. MPEP § 2143.01 provides that “[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.”

As discussed above, the device of Moore as described is foreseen for use together with other devices interconnected by a conductive wire and attached to a power outlet. It would be impossible to use a paintball mask with the lamp attached to an outlet or the lamps of multiple players strung together using conductive wire. As a result, a person of ordinary skill in the art would not be motivated to modify Moore to include the belt strap apertures, as the device arrived at would be unsuitable for attachment to a helmet or hood.

Alternatively, by merely replacing the apertures (38) of Moore with the strap of Ciesiun, one would arrive at a device which is unsuitable for its intended purpose. As discussed in Moore at column 3, lines 59 through 61, “[t]he stake 37 has been apertured at 38 for the passage of fastening screws when the device *is bent to form a wall bracket*” (emphasis added). It is apparent that the bracket is intended to attach the device of Moore *to a wall*. It is also apparent that provision of a strap would not be sufficient to attach the device of Moore to a wall. Indeed, in order for a strap to attach one object to another *it must pass around or through both objects*, which in the case of a wall is generally impossible. Modification in this manner would thus render apertures of Moore unsuitable for their intended purpose, and therefore a person of skill in the art would not be motivated to combine the teachings of Moore and Cieisiun in this manner. Therefore Claim 1, and Claims 4 and 8-10, which are dependent on Claim 1 and include all limitations therein, are not obvious over Moore in view of Ciesiun, and Applicant respectfully requests that these claims are allowable.

The Examiner has rejected Claim 15 as being unpatentable over Moore in view of Diau (US Patent No. 4,575,784) under 35 U.S.C. § 103(a). Applicant submits that independent Claim 1 as amended overcomes this objection. Indeed, neither Moore nor Diau, taken alone or together, discloses “a base plate comprising... a pair of elongate strap member receiving slots” as claimed in Claim 1 of the present application. In light of the above,

Applicant submits that Claim 15, which is dependent on Claim 1 and includes all limitations therein, is not obvious in view of the cited art and therefore is an allowable claim.

The Examiner has rejected Claim 16 as being unpatentable over Moore in view of Allen (US Patent No. 3,936,670) under 35 U.S.C. § 103(a). Applicant submits that independent Claim 1 as amended overcomes this objection. Indeed, neither Moore nor Allen, taken alone or together, discloses “a base plate comprising... a pair of elongate strap member receiving slots” as claimed at Claim 1 of the present application. In light of the above, Applicant submits that Claim 16, which is dependent on Claim 1 and includes all limitations therein, is not obvious in view of the cited art and therefore is an allowable claim.

The Examiner has rejected Claim 21 as being unpatentable over Moore in view of Taylor (US Patent No. 3,713,614) under 35 U.S.C. § 103(a). Applicant submits that independent Claim 1 as amended overcomes this objection. Indeed, neither Moore nor Taylor, taken alone or together, discloses “a base plate comprising... a pair of elongate strap member receiving slots” as claimed at Claim 1 of the present application. In light of the above, Applicant submits that Claim 21, which is dependent on Claim 1 and includes all limitations therein, is not obvious in view of the cited art and therefore is an allowable claim.

The Examiner has rejected Claims 22 and 23 as being unpatentable over Moore in view of Mosquera (US Patent No. 5,893,630) under 35 U.S.C. § 103(a). Applicant submits that independent Claim 1 as amended overcomes this objection. Indeed, neither Moore nor Mosquera, taken alone or together, discloses “a base plate comprising... a pair of elongate strap member receiving slots” as claimed at Claim 1 of the present application. In light of the above, Applicant submits that Claims 22, which is dependent on Claim 1 and includes all limitations therein, and Claim 23, which is dependent on Claim 22, are not obvious in view of the cited art and therefore are allowable claims.

The Examiner has rejected Claims 26, 27 and 29 as being unpatentable over Moore in view of Garbs (US Patent No. 1,772,439) under 35 U.S.C. § 103(a). Applicant submits that independent Claim 1 as amended overcomes this objection. Indeed, neither Moore nor Garb, taken alone or together, discloses “a base plate comprising... a pair of elongate strap member receiving slots” as claimed at Claim 1 of the present application. In light of the above, Applicant submits that Claim 26, which is dependent on Claim 1 and includes all limitations therein, and Claims 27 and 29 which are dependent on Claim 26, are not obvious in view of the cited art and therefore are allowable claims.

The Examiner has rejected Claims 26-28 and 30 as being unpatentable over Moore in view of Kung under 35 U.S.C. § 103(a). Applicant submits that independent Claim 1 as amended overcomes this objection. Indeed, neither Moore nor Kung, taken alone or together, discloses “a base plate comprising... a pair of elongate strap member receiving slots” as claimed at Claim 1 of the present application. In light of the above, Applicant submits that Claim 26, which is dependent on Claim 1 and includes all limitations therein, and Claims 27-28 and 30 which are dependent on Claim 26, are not obvious in view of the cited art and therefore are allowable claims.

The Examiner has rejected Claims 35 and 37 as being unpatentable over Moore in view of Dugmore et al. (US Patent No. 6,457,838) under 35 U.S.C. § 103(a). Applicant submits that amended Claim 1, from which amended Claim 31 now depends, overcomes this rejection. Neither Moore nor Dugmore et al., taken alone or together, discloses “a base plate comprising... a pair of elongate strap member receiving slots” as claimed at Claim 1 of the present application. In light of the above, Applicant submits that Claims 35 and 37, which depend on rewritten dependent Claim 31, are not obvious in view of the cited art and therefore are allowable claims.

CONCLUSION

In view of the remarks and arguments presented herein, it is respectfully submitted that Claims 1-11, 13, 15-17, 19-31, 35, 37, 111, 113-117, 119 and 121-138 are in condition for allowance, and reconsideration of same and notice of allowance of the claims of respectfully requested. Applicant submits that no new matter has been added to the application through this Amendment.

Applicant requests that the Examiner telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application. The Commissioner is authorized to charge additional or underpayment of fees regarding this response, including extensions for reply, to Deposit Account No. 07-1509.

Respectfully submitted,

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